

# The Gazette of India

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## EXTRAORDINARY PART II—Section 3—Sub-section (II) PUBLISHED BY AUTHORITY

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### MINISTRY OF EXTERNAL AFFAIRS

#### NOTIFICATION

*New Delhi, the 30th March 1960*

**S.O. 836.**—Whereas the Malabar Tenancy Act, 1929, has been applied to the Establishment of Mahe in the State of Pondicherry with effect from the 1st July, 1958;

And whereas the application of the Tenancy Acts in force in the State of Madras to the remaining Establishments in the State of Pondicherry is under consideration of the Pondicherry Administration and the Government of India;

And whereas it has been brought to the notice of the Pondicherry Administration and the Government of India that in anticipation of the application of laws relating to land reforms, eviction of tenants from their holdings have started in the Establishment of Karaikal at the instance of the landlords;

And whereas it is considered necessary to prevent such evictions pending the application of such laws;

Now, therefore, by virtue of the agreement dated the 21st October, 1954, entered into with the Government of France giving jurisdiction to the Central Government in and in relation to the French Establishment in India and in exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947) and of all other powers enabling it in that behalf, the Central Government hereby makes the following Order, namely:—

**1. Short title, extent and commencement.**—(1) This Order may be called the Karaikal Tenants Protection Order, 1960.

(2) It extends to the French Establishment known as Karaikal.

(3) It shall come into force at once.

**2. Definitions.**—In this Order, unless the context otherwise requires—

(a) "Chief Commissioner" means the Chief Commissioner of Pondicherry;

(b) "cultivating tenant" means a person who cultivates by his own labour or by that of any other member of his family or by hired labour under his supervision and control, any land belonging to another, under an agreement, express or implied, on condition of paying rent therefor in cash or in kind, or delivering or receiving a share of the produce and shall include a person who cultivates the land on payment of waram;

(c) "Cultivation" means the use of lands for the purpose of agriculture or horticulture;

- (d) "holding" means a parcel or parcels of land held by a cultivating tenant;
- (e) "land" means land used for the purpose of agriculture or horticulture and includes any building or any waste, vacant or forest land, appurtenant thereto;
- (f) "landlord" in relation to a holding or part thereof, means the person entitled to evict the cultivating tenant from such holding or part thereof;
- (g) "prescribed" means prescribed by rules made under this Order.

**3. Landlords not to evict cultivating tenant.**—(1) No cultivating tenant shall be liable to be evicted from his holding or any part thereof by his landlord, whether in execution of a decree or order of a Court or otherwise:

Provided that if a tenant—

- (i) uses or attempts to use the land leased, for a purpose other than agriculture or horticulture; or
- (ii) deliberately neglects to take steps in reasonable time to cultivate the land for the current season; or
- (iii) does not pay the rents which have accrued due prior to the coming into force of this Order within three months of the date of the commencement of this Order and the rents which accrue due subsequent to that date within three months from the date of their accrual,

he shall be liable to be evicted.

(2) (a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord.

(b) The Court shall cause notice of the deposit to be issued to the landlord and determine, after a summary inquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the Court finds that any further sum is due, it shall allow the cultivating tenant time, not exceeding a month, for depositing such further sum inclusive of such cost as the Court may allow. If the Court adjudges that no further sum is due, or if a cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have paid the rent within the period specified in the proviso to sub-clause (1). If, having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the Court, the landlord may evict the cultivating tenant as if this Order had not been made.

(3) The Court entitled to order eviction and deal with all other matters arising under this clause shall be the Tribunal de lere Instance, Karaikal.

**4. Appeal from order of the Court.**—An appeal shall lie from an order made by the Court under clause 3 to the Tribunal Supérieur d'Appel, Pondicherry, within such period as may be prescribed.

**5. Exclusion of time for limitation.**—(1) In computing the period of limitation or limit of time prescribed for an application for execution of a decree or order for eviction of a cultivating tenant, the time during which he was protected from eviction by clause 3 or by the Karaikal Cultivating Tenants Protection Order, 1958, and the Karaikal Cultivating Tenants Protection (No. 2) Order, 1958 shall be excluded.

(2) In computing the period of limitation for appeal under clause 4, the time taken for obtaining a certified copy of the order appealed against shall be excluded.

**6. Surrenders.**—(1) No surrender of land made by a cultivating tenant after the commencement of this Order, shall be valid unless it is made in writing and admitted before the prescribed authority.

(2) Where a valid surrender of the land is made under sub-clause (1), or where the land is otherwise abandoned by a cultivating tenant, the Pondicherry Administration may, in public interest and for the purpose of ensuring full and efficient use of the land for agriculture, assume the management of the land and pay to the landlord from the date of the assumption the compensation specified in sub-clause (6).

(3) Where the management of land is assumed under sub-clause (2), the cultivating tenant's liability to pay rent to the landlord in respect of that land shall cease from the date the management is so assumed:

Provided that nothing contained in this sub-clause shall affect the liability of such tenant to pay rent in respect of any period before such date.

(4) For the purpose of this clause, the management of the land by the Pondicherry Administration shall be deemed to commence from the date on which the Administration actually assumes the management of the land.

(5) Where the Pondicherry Administration assumes the management of any land under this clause, it may lease the land to a tenant.

(6) The compensation payable for the assumption of management of any land shall, per year, be a sum equal to the annual rent of that land paid or payable for the year preceding the year of surrender.

*Explanation.*—For the purposes of this clause, where the rent paid or payable is in kind, the amount of compensation payable under this clause shall be determined on the basis of the market value prevailing on the 1st January, 1960, of the crop or crops paid or payable as rent.

**7. Penalty.**—(1) No landlord shall obtain possession of any land by a cultivating tenant at the commencement of this Order, except where the tenant is evicted under clause 3 or the land is validly surrendered under clause 6.

(2) Whoever contravenes the provisions of sub-clause (1) shall, on conviction, be punishable with fine which may extend to two hundred and fifty rupees and the possession of the land shall be restored to the tenant.

**8. Power to make rules.**—The Chief Commissioner may, subject to the approval of the Central Government, make rules for carrying out the purposes of this Order.

**9. Repeal.**—The Karaikal Cultivating Tenants Protection (No. 2) Order, 1958, is hereby repealed except as respects things done or omitted to be done thereunder before such repeal.

[No. F. 36(1)/58-Eur.W/GP.]

A. DAS GUPTA, Under Secy.

